

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

Civil Action No. 13-00527-F

U.S. TOBACCO COOPERATIVE INC., U.S. )  
FLUE-CURED TOBACCO GROWERS, INC., )  
and BIG SOUTH DISTRIBUTION, LLC, )

Plaintiffs, )

v. )

BIG SOUTH WHOLESALE OF )  
VIRGINIA, LLC, d/b/a BIG SKY )  
INTERNATIONAL, BIG SOUTH )  
WHOLESALE, LLC, UNIVERSAL )  
SERVICES FIRST CONSULTING, A/K/A )  
UNIVERSAL SERVICES CONSULTING )  
GROUP, JASON CARPENTER, )  
CHRISTOPHER SMALL, EMORY STEPHEN )  
DANIEL, and other unnamed co-conspirators, )

Defendants, )

UNITED STATES OF AMERICA, )

Intervenor. )

**UNITED STATES OF AMERICA’S  
MOTION TO FILE UNDER SEAL ITS  
RESPONSE TO MATTHEW APUZZO’S  
MOTION TO INTERVENE AND TO  
UNSEAL THE RECORD IN THIS CASE**

The United States of America, by and through undersigned counsel, respectfully moves this Court pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure, Local Civil Rule 79.2, Paragraphs 3 through 7 and 11 of the Sealed Amendment to the Protective Order, and Section T of the CM/ECF Policy Manual, for leave to file under seal the following:

1. An unredacted copy of the United States of America’s Response to Matthew Apuzzo’s Motion to Intervene and Unseal the Record in this Case; and
2. The supporting memorandum for this Motion to Seal.

Counsel for the United States of America has conferred with counsel for the parties, and all parties consent to the Motion.

WHEREFORE the Government prays the Court for an Order granting the following relief:

1. That the memorandum supporting this Motion to Seal be filed and maintained under seal; and
2. That the Government's unredacted response to Mr. Apuzzo's motion to intervene and to unseal the record be filed and maintained under seal.

A supporting brief is filed herewith.

On this the 12th day of September, 2016.

Respectfully submitted,

LORETTA E. LYNCH  
Attorney General of the United States

CHANNING D. PHILLIPS, D.C. Bar #415793  
United States Attorney for the District of Columbia

DANIEL F. VAN HORN, D.C. Bar #924092  
Chief, Civil Division  
Assistant United States Attorney for the District of Columbia

By:                     /s/                      
WYNNE P. KELLY  
Special Attorney to the Attorney General  
Assistant United States Attorney for the District of Columbia  
555 4th Street, NW  
Washington, DC 20530  
(202) 252-2545  
Fax: (202) 252-2599  
wynne.kelly@usdoj.gov

*Attorneys for the United States of America*

**CERTIFICATE OF SERVICE**

I, Wynne P. Kelly, hereby certify that I have this day electronically filed the foregoing with the Clerk of Court using CM/ECF, which will send notification of such filing to the following:

Thomas A. Farr (N.C. Bar No. 10871)  
Michael Douglas McKnight (N.C. Bar No. 36932)  
Kimberly Joyce Lehman (N.C. Bar No. 43001)  
4208 Six Forks Road, Suite 1100  
Raleigh, NC 27609  
Telephone: 919.787.9700  
Facsimile: 919.783.9412  
thomas.farr@odnss.com  
michael.mcknight@odnss.com  
kimberly.lehman@odnss.com

Amy M. Pocklington (Virginia Bar. No. 45233)  
Tevis Marshall (Virginia Bar No. 68401)  
Riverfront Plaza—West Tower  
901 East Byrd Street, Suite 1300  
Richmond, VA 23219  
Telephone: 804-663-2333  
Facsimile: 804-225-8641  
amy.pocklington@odnss.com  
tevis.marshall@odnss.com

and

Kathryn H. Ruemmler  
Allen Gardner  
Kevin Chambers  
Brian Lichter  
Latham & Watkins LLP  
555 Eleventh Street, NW, Suite 1000  
Washington, DC 20004-1304  
Telephone: 202-637-2179  
kathryn.ruemmler@lw.com  
allen.gardner@lw.com  
kevin.chambers@lw.com  
brian.lichter@lw.com

*Attorneys for Plaintiffs*

Gary S. Parsons, Esquire

Gavin B. Parsons, Esquire  
Troutman Sanders LLP  
P.O. Box 1389  
Raleigh, NC 27602-1389  
Telephone: 919.835.4100  
Facsimile: 919.835.4101  
gary.parsons@troutmansanders.com  
gavin.parsons@troutmansanders.com

and

Alan D Mathis, Esquire  
Butler Snow LLP  
One Federal Place, Suite 1000  
1819 Fifth Avenue North  
Birmingham, AL 35203  
Alan.mathis@butlersnow.com

*Attorneys for Big South Wholesale of VA, LLC d/b/a Big Sky  
International, Big South Wholesale, LLC, Jason Carpenter, Christopher  
Small*

W. Sidney Aldridge, Esquire  
Nicholls & Crampton, P.A.  
3700 Glenwood Ave., Suite 500  
P.O. Box 18237  
Raleigh, NC 27612  
Telephone: 919.781.1311  
Facsimile: 919.782.0465  
wsaldridge@nichollscrampton.com

*Attorneys for Universal Services First Consulting a/k/a Universal Services  
Consulting Group, Emory Stephen Daniel*

Christopher T. Graebe, Esquire  
Graebe Hanna & Sullivan, PLLC  
4350 Lassiter at North Hills Avenue, Suite 375  
Raleigh, NC 27609  
Telephone: 919-863-9092  
Facsimile: 919-863-9095  
cgraebe@ghslawfirm.com

*Attorney for Albert M. Johnson*